

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.: 05-10102-RCL

JEFFERSON JONES,

Plaintiff,

v.

MARY M. WALKER, in her individual capacity,

Defendant

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

Introduction

1. The Defendant, Mary M. Walker (hereinafter "Defendant") states that this paragraph is introductory in nature and therefore no response is required.

Jurisdiction and Venue

2. The Defendants states that this paragraph is a conclusion of law and therefore no response is required.
3. The Defendant states that this paragraph is a conclusion of law and therefore no response is required.

Parties

4. The Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.
5. The Defendant admits the allegations contained in this paragraph.

Facts

6. The Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.

7. The Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.
8. The Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.
9. The Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.
10. The Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.
11. The Defendant denies the allegations contained in this paragraph.
12. The Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.
13. The Defendant denies the allegations contained in this paragraph.
14. The Defendant denies the allegations contained in this paragraph.
15. The Defendant admits that Jones was transported to the police station for protective custody and was later released. The Defendant denies the remaining allegations contained in this paragraph.
16. The Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.
17. The Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.
18. The Defendant denies the allegations contained in this paragraph.

Count One: 42 U.S.C. §1983 (Unlawful Seizure)

20. The Defendant repeats and realleges herein her responses to paragraphs 1 through 18 above.
21. The Defendant denies the allegations contained in this paragraph.

22. The Defendant denies the allegations contained in this paragraph.

23. The Defendant denies the allegations contained in this paragraph.

Count Two: 42 U.S.C. §1983 (Excessive Force)

24. The Defendant repeats and realleges herein her responses to paragraphs 1 through 23 above.

25. The Defendant denies the allegations contained in this paragraph.

26. The Defendant denies the allegations contained in this paragraph.

27. The Defendant denies the allegations contained in this paragraph.

Count Three: (Violation of State Civil Rights Act)

28. The Defendant repeats and realleges herein her responses to paragraphs 1 through 27 above.

29. The Defendant denies the allegations contained in this paragraph.

30. The Defendant denies the allegations contained in this paragraph.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Plaintiff's Complaint fails to state a claim against the Defendant upon which relief can be granted.

SECOND DEFENSE

The individual defendant is entitled to qualified immunity.

THIRD DEFENSE

There was probable cause for the Plaintiff's alleged arrest/detainment.

FOURTH DEFENSE

The Defendant states that she were justified in her acts or conduct and that therefore the Plaintiff cannot recover.

FIFTH DEFENSE

The Defendant states that her acts and conduct were performed according to, and protected by, law and/or legal process, and that therefore, the Plaintiff cannot recover.

JURY DEMAND

THE DEFENDANT HEREBY DEMANDS A TRIAL BY JURY ON ALL COUNTS SO TRIABLE.

Respectfully submitted,
The Defendant,
Mary Walker,
By her attorneys,

/s/ Deborah I. Ecker
Leonard H. Kesten, BBO# 542042
Deborah I. Ecker, BBO# 554623
BRODY, HARDOON, PERKINS & KESTEN, LLP
One Exeter Plaza
Boston, MA 02116
(617) 880-7100

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